

COUNTY COUNCIL  
OF  
HARFORD COUNTY, MARYLAND

BILL NO. 08-41 As Amended

Introduced by Council President Boniface at the request of the County Executive

Legislative Day No. 08-20 Date August 5, 2008

AN ACT to repeal Article XI, Historic Preservation Commission, of Part 2, Historic District, of Chapter 267, Zoning; and to add new Article XXVIII, Historic Preservation Commission, to Part 3, Authoritative Boards and Commissions, of Chapter 9, Boards, Commissions, Councils and Agencies, all of the Harford County Code, as amended; to provide for uniformity by keeping the boards and commissions in one chapter of the Harford County Code, as amended.

By the Council, August 5, 2008

Introduced, read first time, ordered posted and public hearing scheduled

on: September 2, 2008

at: 6:30 p.m.

By Order: Barbara J. O'Connor, Council Administrator

**PUBLIC HEARING**

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on September 2, 2008, and concluded on September 2, 2008

Barbara J. O'Connor, Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

Section 1. Be It Enacted By The County Council of Harford County, Maryland that Article XI, Historic Preservation Commission, of Part 2, Historic District, of Chapter 267, Zoning, of the Harford County Code, as amended, be, and it is hereby, repealed; and that new Article XXVIII, Historic Preservation Commission, be, and it is hereby, added to Part 3, Authoritative Boards and Commissions, of Chapter 9, Boards, Commissions, Councils and Agencies, of the Harford County Code, as amended, all to read as follows:

**Chapter 9. BOARDS, COMMISSIONS, COUNCILS AND AGENCIES**

**Part 3. Authoritative Boards and Commissions**

**ARTICLE XXVIII. HISTORIC PRESERVATION COMMISSION**

**§ 9-176.17. CREATION; MEMBERSHIP.**

THERE IS HEREBY CREATED THE HISTORIC PRESERVATION COMMISSION FOR HARFORD COUNTY. THE COMMISSION SHALL CONSIST OF 11 CITIZENS INTERESTED AND ACTIVE IN HISTORIC PRESERVATION. MEMBERS OF THE COMMISSION SHALL BE APPOINTED BY THE COUNTY EXECUTIVE AND CONFIRMED IN ACCORDANCE WITH THE CHARTER OF HARFORD COUNTY.

**§ 9-176.18. TERMS OF OFFICE.**

A. THE TERMS OF ALL THE MEMBERS SHALL BE COTERMINOUS WITH THE TERM OF THE COUNTY EXECUTIVE.

B. ALL VACANCIES ON THE COMMISSION SHALL BE FILLED BY APPOINTMENT BY THE COUNTY EXECUTIVE AND CONFIRMED BY THE COUNTY COUNCIL FOR THE UNEXPIRED TERM OF THE ORIGINAL APPOINTEE.

C. ANY MEMBER MISSING 3 CONSECUTIVE MEETINGS SHALL BE DEEMED TO HAVE TERMINATED HIS OR HER MEMBERSHIP ON THE COMMISSION UNLESS THE COMMISSION SHALL, BY MAJORITY VOTE, EXCUSE ONE OR MORE OF THE

1 ABSENCES.

2 **§ 9-176.19. SALARIES AND COMPENSATION.**

3 THE MEMBERS OF THE COMMISSION SHALL SERVE WITHOUT COMPENSATION  
4 BUT SHALL BE REIMBURSED FOR NECESSARY EXPENSES INCURRED IN THE  
5 PERFORMANCE OF THEIR DUTIES.

6 **§ 9-176.20. OFFICERS.**

7 THE CHAIR OF THE COMMISSION SHALL BE APPOINTED BY THE COUNTY  
8 EXECUTIVE. A CO-CHAIR AND SECRETARY SHALL BE SELECTED BY THE  
9 COMMISSION.

10 **§ 9-176.21. MEETINGS; QUORUM.**

11 THE COMMISSION SHALL MEET AT LEAST 4 TIMES PER YEAR AND SHALL HOLD  
12 SPECIAL MEETINGS AT THE CALL OF THE CHAIR OR OF ANY 6 MEMBERS OF THE  
13 COMMISSION. THE COMMISSION SHALL KEEP OFFICIAL RECORDS OF ITS  
14 RESOLUTIONS, PROCEEDINGS AND ACTIONS. SIX MEMBERS SHALL CONSTITUTE A  
15 QUORUM.

16 **§ 9-176.22. PURPOSE.**

17 THE PURPOSE OF THE COMMISSION SHALL BE TO ADVISE THE COUNTY  
18 EXECUTIVE ON THE PROTECTION, ENHANCEMENT AND PERPETUATION OF  
19 STRUCTURES AND SITES THAT REPRESENT OR REFLECT ELEMENTS OF THE COUNTY'S  
20 CULTURAL, SOCIAL, ECONOMIC, POLITICAL AND ARCHITECTURAL HISTORY TO  
21 ENSURE THAT HISTORICAL AND ARCHITECTURAL QUALITIES OF COUNTY HISTORIC  
22 LANDMARKS ARE PRESERVED, AND TO FOSTER CIVIC PRIDE IN THE BEAUTY AND  
23 NOBLE ACCOMPLISHMENTS OF THE COUNTY'S HISTORIC AND CULTURAL HERITAGE.

24 **§ 9-176.23. POWERS AND DUTIES.**

1 THE HISTORIC PRESERVATION COMMISSION SHALL HAVE THE FOLLOWING  
2 POWERS AND DUTIES:

3 A. IDENTIFY HISTORICALLY AND ARCHITECTURALLY SIGNIFICANT  
4 PROPERTIES, STRUCTURES AND AREAS THAT EXEMPLIFY THE CULTURAL, SOCIAL,  
5 ECONOMIC, POLITICAL OR ARCHITECTURAL HISTORY OF THE NATION, STATE AND  
6 COUNTY.

7 B. INVESTIGATE AND RECOMMEND TO THE DEPARTMENT OF PLANNING  
8 AND ZONING THE DESIGNATION OF PROPERTIES OR STRUCTURES HAVING SPECIAL  
9 HISTORIC, COMMUNITY OR ARCHITECTURAL VALUE AS COUNTY HISTORIC  
10 LANDMARKS IN ACCORDANCE WITH §267-105 AND §267-106.

11 C. IN COORDINATION WITH THE DEPARTMENT OF PLANNING AND ZONING  
12 HOLD PUBLIC MEETINGS FOR ALL COUNTY LANDMARK NOMINATIONS.

13 D. MAKE RECOMMENDATIONS TO THE DIRECTOR OF PLANNING AND  
14 ZONING ON THE WIDTH OF THE BUFFER TO BE PROVIDED FOR PROPOSED USES  
15 ADJACENT TO DESIGNATED COUNTY HISTORIC LANDMARKS.

16 E. KEEP A REGISTER OF ALL PROPERTIES AND STRUCTURES THAT HAVE  
17 BEEN DESIGNATED AS COUNTY HISTORIC LANDMARKS OR HISTORIC DISTRICTS  
18 LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES, INCLUDING ALL  
19 INFORMATION REQUIRED FOR EACH DESIGNATION.

20 F. MAKE RECOMMENDATIONS FOR STRATEGIES OR TOOLS TO EDUCATE  
21 CITIZENS ABOUT COUNTY HISTORIC LANDMARKS AND HISTORIC DISTRICTS LISTED  
22 ON THE NATIONAL REGISTER OF HISTORIC PLACES.

23 G. ADVISE AND ASSIST OWNERS OF COUNTY HISTORIC LANDMARKS AND  
24 PROPERTY AND STRUCTURES WITHIN HISTORIC DISTRICTS LISTED ON THE

1 NATIONAL REGISTER OF HISTORIC PLACES ON THE PHYSICAL AND FINANCIAL  
2 ASPECTS OF PRESERVATION, RENOVATION, REHABILITATION AND REUSE AND ON  
3 PROCEDURES FOR INCLUSION ON THE NATIONAL REGISTER OF HISTORIC PLACES.

4 H. NOMINATE COUNTY HISTORIC LANDMARKS AND HISTORIC DISTRICTS  
5 TO THE NATIONAL REGISTER OF HISTORIC PLACES AND REVIEW AND COMMENT ON  
6 ANY NATIONAL REGISTER NOMINATION SUBMITTED TO THE COMMISSION FOR  
7 REVIEW.

8 I. INFORM AND EDUCATE THE CITIZENS OF HARFORD COUNTY  
9 CONCERNING THE HISTORIC AND ARCHITECTURAL HERITAGE OF THE COUNTY BY  
10 PUBLISHING APPROPRIATE MAPS, NEWSLETTERS, BROCHURES AND PAMPHLETS AND  
11 BY HOLDING PROGRAMS AND SEMINARS.

12 J. HOLD PUBLIC MEETINGS TO REVIEW APPLICATIONS FOR  
13 CONSTRUCTION, ALTERATION, REMOVAL OR DEMOLITION AFFECTING PROPOSED OR  
14 DESIGNATED COUNTY HISTORIC LANDMARKS AND ISSUE OR DENY CERTIFICATES OF  
15 APPROPRIATENESS FOR SUCH ACTIONS. APPLICANTS MAY BE REQUIRED TO SUBMIT  
16 PLANS, DRAWINGS, ELEVATIONS, SPECIFICATIONS AND OTHER INFORMATION AS  
17 MAY BE NECESSARY TO MAKE DECISIONS.

18 K. REVIEW PROPOSED ZONING AMENDMENTS, APPLICATIONS FOR SPECIAL  
19 USE PERMITS OR APPLICATIONS FOR ZONING VARIANCES THAT THE DIRECTOR OF  
20 PLANNING AND ZONING HAS DETERMINED MAY HAVE SOME EFFECT ON PROPOSED  
21 OR DESIGNATED COUNTY HISTORIC LANDMARKS AND HISTORIC DISTRICTS LISTED  
22 ON THE NATIONAL REGISTER OF HISTORIC PLACES. THE DIRECTOR OF PLANNING  
23 AND ZONING SHALL SEND THE APPLICATIONS FOR SPECIAL USE OR ZONING  
24 VARIANCES TO THE PRESERVATION COMMISSION FOR COMMENT PRIOR TO THE

1 DATE OF A HEARING.

2 L. CALL UPON STAFF MEMBERS OF THE DEPARTMENT OF PLANNING AND  
3 ZONING AS WELL AS EXPERTS FOR TECHNICAL ADVICE.

4 M. CONFER RECOGNITION UPON THE OWNERS OF COUNTY HISTORIC  
5 LANDMARKS OR PROPERTY OR STRUCTURES WITHIN HISTORIC DISTRICTS LISTED ON  
6 THE NATIONAL REGISTER OF HISTORIC PLACES BY MEANS OF CERTIFICATES,  
7 PLAQUES OR MARKERS.

8 N. PERIODICALLY REVIEW THE HARFORD COUNTY ZONING CODE TO  
9 RECOMMEND TO THE DEPARTMENT OF PLANNING AND ZONING ANY AMENDMENTS  
10 APPROPRIATE FOR THE PROTECTION AND CONTINUED USE OF COUNTY HISTORIC  
11 LANDMARKS OR PROPERTY AND STRUCTURES WITHIN HISTORIC DISTRICTS LISTED  
12 ON THE NATIONAL REGISTER OF HISTORIC PLACES.

13 O. UNDERTAKE ANY OTHER ACTION OR ACTIVITY NECESSARY OR  
14 APPROPRIATE TO THE IMPLEMENTATION OF ITS POWERS AND DUTIES OR TO  
15 IMPLEMENTATION OF THE PURPOSE OF HISTORIC PRESERVATION.

16 P. REVIEW AND COMMENT ON MAJOR COUNTY PLANS PRIOR TO ADOPTION  
17 TO ENSURE THAT HISTORIC PRESERVATION CONCERNS ARE ADEQUATELY  
18 ADDRESSED.

19 **§ 9-176.24. ANNUAL REPORT.**

20 THE COMMISSION SHALL ANNUALLY SUBMIT A REPORT TO THE COUNTY  
21 EXECUTIVE AND THE COUNTY COUNCIL. THE REPORT SHALL CONTAIN A SUMMARY  
22 OF ALL ACTIVITIES OF THE COMMISSION FOR THE PRECEDING YEAR AND SHALL  
23 CONTAIN RECOMMENDATIONS AND EVALUATIONS OF ACTIVITIES TAKING PLACE IN  
24 THE COUNTY ON SUBJECTS WHICH FALL WITHIN THE GENERAL FUNCTIONS OF THE

1 COMMISSION. THE COMMISSION MAY ISSUE SUCH OTHER REPORTS AS IT MAY DEEM  
2 NECESSARY.

3 Section 2. And Be It Further Enacted that this Act shall take effect 60 calendar days from the date  
4 it becomes law.

EFFECTIVE: November 17, 2008

*The Council Administrator does hereby certify that  
fifteen (15) copies of this Bill are immediately available for  
distribution to the public and the press.*

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*Council Administrator*

HARFORD COUNTY BILL NO. 08-41 As Amended

Brief Title Relocation in Code – Historic Preservation Commission

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

**CERTIFIED TRUE AND CORRECT**

Barbara J. O'Connor  
Council Administrator

Date September 16, 2008

**ENROLLED**

Billy Bonifant  
Council President

Date September 16, 2008

**BY THE COUNCIL**

Read the third time.

Passed: LSD 08-24

Failed of Passage: \_\_\_\_\_

By Order

Barbara J. O'Connor  
Council Administrator

Sealed with the County Seal and presented to the County Executive for approval this 17<sup>th</sup> day of September, 2008 at 3:00 p.m.

Barbara J. O'Connor  
Council Administrator

**BY THE EXECUTIVE**

David H. Craig  
COUNTY EXECUTIVE

APPROVED: Date September 17, 2008

**BY THE COUNCIL**

This Bill No. 08-41 As Amended having been approved by the Executive and returned to the Council, becomes law on September 17, 2008.

EFFECTIVE DATE: November 17, 2008

Barbara J. O'Connor  
Barbara J. O'Connor,  
Council Administrator